IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO: 23012 of 2004

Between:

A.N. Bhushanam, S/o. A. Nagappa,

Driver, Hindu,
E.No. 111660, R/o. D.No. 13/721-C-11,

New Ganga Gowri Talkie New Town,

Ananthapur, Ananthapur District.

..... PETITIONER

AND

1. The Depot Manager, A.P.S.R.T.C.,

Kadiri Depot, Kadiri,

Ananthapur District.

2 The Deputy Chief Traffic Manager,

A.P.S.R.T.C., Ananthapur Region,
Anantappur, Ananthapur District.

3 The Regional Manager, A.P.S.R.T.C.,

Ananthapur Region,
Anantappur, Ananthapur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus or any other appropriate Writ, declaring the proceedings No. 01/2(21)/97-KDR dated 28-10-1997 of the Ist respondent and proceedings No.ST/19(17)/98, Dy-CTM-A, dated 5-10-1998 of the 2nd respondent and Proceedings No.PA/20(21)/99 RM-A, dated 26-4-2003 of the 3rd respondent as illegal, arbitrary and in violation of principles of natural justice and in violation of the Article 14 and 21 of the Constitution of India and consequentially direct the respondents to add one annual increment to the pay of the petitioner and pass such other or further order.

Counsel for the Petitioner: MR.S.SURENDRA KUMAR

Counsel for the Respondents: MR.P.VINAYAKA SWAMY

The Court at the admission stage, made the following:

THE HON'BLE MR JUSTICE K.C.BHANU

WRIT PETITION NO: 23012 of 2004

ORDER:

For driving the bus rashly and negligently in causing an accident that took place on 15-05-1997, a charge sheet has been issued to the petitioner. For which, the petitioner gave his explanation. Thereafter, without conducting any enquiry, the disciplinary authority withheld two increments with cumulative effect. Challenging the same, the petitioner filed an appeal before the appellate authority. Wherein, the sentence of two years increments with cumulative effect is modified to that of one increment with cumulative effect. Challenging the same, a review petition has been filed, but the same has been rejected. Hence, the present writ petition.

2. The learned counsel for the petitioner contended that without conducting any enquiry, imposing a major penalty is illegal, and therefore, he prays to modify the sentence to that of a minor punishment.

3. The learned counsel for the respondents opposed the same on the ground that the disciplinary authorities, after having not satisfied by the explanation given by the petitioner, imposed the proper punishment and there are no

grounds to interfere with the impugned proceedings. There cannot be any dispute that a major penalty cannot be imposed without conducting any regular departmental enquiry.

4. Admittedly, in this case, no enquiry has been conducted before imposing the punishment. Originally, the petitioner was imposed punishment of withholding of two increments with cumulative effect, but the same is modified to that of withholding one increment with cumulative effect. Even though it is a major penalty, since the matter relates to the expenditure of the year 1997, it is not desirable to direct the disciplinary authority to conduct enquiry afresh.

5. Having regard to the facts and circumstances of the case, I deem it appropriate to modify the punishment to that of a minor punishment. Therefore, the punishment imposed by the disciplinary authority and the same was modified by the appellate authority, is modified to that of withholding one increment without cumulative effect.

6. Accordingly, the Writ petition is disposed of. In the circumstances, no costs.

_____ December 13, 2004

KVR
TO

1 The Depot Manager, A.P.S.R.T.C., Kadiri Depot, Kadiri,

Ananthapur District.
2 The Deputy Chief Traffic Manager,

A.P.S.R.T.C., Ananthapur Region,
Anantappur, Ananthapur District.
3 The Regional Manager, A.P.S.R.T.C., Ananthapur Region,
Anantappur, Ananthapur District.

4 Two C.D. Copies.